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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,378	08/05/2003	Avner Porat	1096	8209

7590 07/21/2005  
Donald J. Ersler  
725 Garvens Avenue  
Brookfield, WI 53005

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT PAPER NUMBER

3671

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,378	<b>Applicant(s)</b> PORAT, AVNER	
	<b>Examiner</b> Christopher J. Novosad	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-27, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

✓

## DETAILED ACTION

Claims 1-11 and 28 have been canceled.

### *Specification*

The amendment filed July 5, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“A leg curved surface 51 is preferably formed on the bottom of each pivotal leg to enable the angled blade 48 to be **pulled** over uneven surfaces” (emphasis added) in the sixth to the third to last line in the amendment to the specification in the amendment filed July 5, 2005 is not supported by the original disclosure which stated “A leg curved surface 51 is preferably formed on the bottom of each pivotal leg to enable the **front of** the angled blade 48 to be **pushed** over uneven surfaces” (emphasis added).

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, the recitation "said trailing end of said plow blade" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Winter.

With respect to claim 12, Winter shows a method of fabricating a manually operated snow plow 100, comprising the steps of:

orienting a plow blade 500 at an acute angle from an axis (unnumbered) of travel;  
forming a front extension blade 550 on substantially a leading end of the plow blade 500;  
extending at least one end blade 321 from a trailing end of the plow blade 500; and  
indirectly securing pivotally via 230,321,310 one end (unnumbered) of a handle 200 to a rear of the plow blade 500.

As to claim 14, Winter shows the step of forming a front curved surface (note Fig. 11) on at least a bottom (unnumbered) of the front extension blade 550;

Regarding claim 15, Winter shows the step of forming a rear extension blade 540 at the trailing end of the plow blade 500.

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With respect to claim 16, Winter shows the step of forming a rear curved surface (unnumbered; Fig. 11) or (unnumbered; Fig. 4) on at least a bottom (unnumbered) of the rear extension blade 540 (Fig. 11) or 322 (Fig. 4).

As to claim 17, Winter shows the step of forming a trailing extension blade 540 (Fig. 11) or 322 (Fig. 4) on a rear (unnumbered) of the plow blade 500.

Regarding claim 18, Winter shows the step of forming a trailing curved surface (unnumbered; Fig. 11) or (unnumbered; Fig. 4) on at least a bottom (unnumbered) of the trailing extension blade 540 (Fig. 11) or 322 (Fig. 4).

With respect to claim 19, Winter shows the step of providing the handle 200 having a lengthwise body 220 and a handle portion 210, extending at least one pivotal leg 310 from a rear of the plow blade 500, one end (unnumbered) of the lengthwise body 220 being pivotally connected via 230 to the at least one pivotal leg 310 and the other end (unnumbered) being terminated with the handle portion 210.

As to claim 20, Winter shows the step of forming an end curved surface (unnumbered; Fig. 11) on at least a bottom of the end blade 550.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 12-27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eslinger in view of Schbot.

With respect to claim 12, Eslinger shows a method of fabricating a manually operated snow plow, comprising the steps of:

orienting a plow blade 10 at an acute angle from an axis (unnumbered) of travel;

forming a front extension blade 21 on substantially a leading end (unnumbered) of the plow blade 10;

extending at least one end blade 13 or 14 from a trailing end (unnumbered) of the plow blade 10; and

securing via 28,13-16 one end of a handle 17-19,30-35 to a rear (unnumbered) of the plow blade 10.

With respect to claim 13, Eslinger shows the step of providing the plow blade 10 with symmetry about a lengthwise centerline (unnumbered), wherein the plow blade 10 plows to the right or to the left by flipping the plow blade 10 over.

As to claim 14, Eslinger shows the step of forming a front curved surface (unnumbered) on at least a bottom (unnumbered) of the front extension blade 21;

Regarding claim 15, Eslinger shows the step of forming a rear extension blade 13 or 14 at the trailing end (unnumbered) of the plow blade 10.

With respect to claim 16, Eslinger shows the step of forming a rear curved surface (unnumbered) on at least a bottom (unnumbered) of the rear extension blade 13 or 14.

As to claim 17, Eslinger shows the step of forming a trailing extension blade 13 or 14 on a rear (unnumbered) of the plow blade 10.

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Regarding claim 18, Eslinger shows the step of forming a trailing curved surface (unnumbered) on at least a bottom (unnumbered) of the trailing extension blade 13 or 14.

With respect to claim 19, Eslinger shows the step of providing the handle 17-19, 30-35 having a lengthwise body 17-19 and a handle portion 30-35.

As to claim 20, Eslinger shows the step of forming an end curved surface (unnumbered) on at least a bottom (unnumbered) of the end blade 13 or 14.

Regarding claim 21, Eslinger shows a method of fabricating a manually operated snow plow, comprising the steps of orienting a plow blade 10 at an acute angle from an axis (unnumbered) of travel, providing the plow blade 10 with symmetry about a lengthwise centerline, wherein the plow blade 10 plows to the right or to the left by flipping the plow blade 10 over; forming a front extension blade 21 on substantially a leading end (unnumbered) of the plow blade 10; and securing via 28, 13-16 one end of a handle 17-19, 30-35 to a rear (unnumbered) of the plow blade 10.

With respect to claim 22, Eslinger shows the step of forming a front curved surface (unnumbered) on at least a bottom (unnumbered) of the front extension blade 21;

Regarding claim 23, Eslinger shows the step of forming a rear extension blade 13 or 14 at the trailing end (unnumbered) of the plow blade 10.

With respect to claim 24, Eslinger shows the step of forming a rear curved surface (unnumbered) on at least a bottom (unnumbered) of the rear extension blade 13 or 14.

As to claim 25, Eslinger shows the step of forming a trailing extension blade 13 or 14 on a rear (unnumbered) of the plow blade 10.

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Regarding claim 26, Eslinger shows the step of forming a trailing curved surface (unnumbered) on at least a bottom (unnumbered) of the trailing extension blade 13 or 14.

With respect to claim 27, Eslinger shows the step of providing the handle 17-19, 30-35 having a lengthwise body 17-19 and a handle portion 30-35.

As to claim 29, Eslinger shows the step of extending at least one end blade 13 or 14 from a trailing end (unnumbered) of the plow blade 10.

The claims distinguish over Eslinger in requiring (1) one end of the handle to be secured **pivotally** to a rear of the plow blade (as required in claims 12 and 21) and (2) the step of extending at least one pivotal leg from a rear of the plow blade, one end of the lengthwise body being pivotally connected to the at least one pivotal leg and the other end being terminated with the handle portion (as required in claim 27).

Schbot shows (1) one end 60 of the handle 26,28 being secured **pivotally** via 48 to a rear (unnumbered) of the plow blade 12,14 via 34-38 (as required in claims 12 and 21) and (2) the step of extending at least one pivotal leg 30,50 from a rear (unnumbered) of the plow blade 12,14, one end 60 of the lengthwise body 60,26 being pivotally connected via 48 to the at least one pivotal leg 30,50 and the other end (unnumbered) being terminated with the handle portion 28 (as required in claim 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a pivotally connected handle with pivoting structure as disclosed in Schbot in place of the non-pivoting handle of Eslinger for greater user control of the snowplow.



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***Response to Arguments***

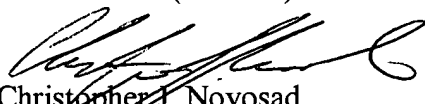
Applicant's arguments, see the middle of page 10 of the amendment filed July 5, 2005, with respect to Winter '163 not disclosing a plow blade having symmetry have been fully considered and are persuasive. The rejection of claims reciting this feature have been withdrawn.

Applicant's remaining arguments have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

July 19, 2005